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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 IN RE GOOGLE PLAY CONSUMER
12 ANTITRUST LITIGATION

Master File No. 3:20-cv-05761-JD

13 **ADMINISTRATIVE MOTION TO**
14 **CONSIDER WHETHER CASES**
15 **SHOULD BE RELATED**

16 Related Cases:
17 *Alison Kavulak v. Google LLC, et al.*,
18 Case No.: 5:20-cv-09421

I. INTRODUCTION

Pursuant to the Northern District of California’s Civil Local Rule 3-12, Plaintiff Alison Kavulak submits this administrative motion to consider whether *Kavulak* should be related to the actions consolidated and pending before this court, in the *In re Google Play Consumer Antitrust Litigation*, Case No. 3:20-cv-05761 (N.D. Cal. consolidated on November 20, 2020, *See also* Order on Consolidation, ECF No. 78).

On August 16, 2020, Mary Carr filed an antitrust action against Google alleging that Google’s unlawful monopolization and exclusionary conduct in the market in which Android apps are distributed enables Google to impose a supra-competitive 30% fee on apps purchased from the Google Play store. Additional class actions on behalf of consumers were filed, as noted in the table below:

	Case Name	Date Filed	Class
1	Carr v. Google LLC et al., No. 3:20-cv-05761-JD (“Carr”)	Aug. 16, 2020	Consumer
2	Bentley et al. v. Google LLC et al., No. 4:20-cv- 07079-DMR (“Bentley”)	Oct. 9, 2020	Consumer
3	McNamara. v. Google LLC et al., No. 3:20-cv-07361-JCS (“McNamara”)	Oct. 20, 2020	Consumer
4	Herrera. v. Google LLC et al., No. 3:20-cv-07365-JD (“Herrera”)	Oct. 20, 2020	Consumer
5	Carroll. v. Google LLC, No. 3:20-cv-07379-JD (“Carroll”)	Oct. 21, 2020	Consumer
6	Roberts. v. Google LLC et al., No. 3:20-cv-07824-RS (“Roberts”)	Nov. 5, 2020	Consumer
7	Gamble. v. Google LLC et al., No. 3:20-cv-07984-JD (“Gamble”)	Nov. 12, 2020	Consumer
8	Stark v. Google LLC et al., No. 3:20-cv-08309-JD (“Stark”)	Nov. 24, 2020	Consumer
9	Esquivel v. Alphabet Inc. et al., No. 3:20-cv-08337-JD (“Esquivel”)	Nov. 25, 2020	Consumer

On November 20, 2020, this Court ordered the *Carr*, *Bentley*, *McNamara*, *Herrera*, *Carroll*, and *Gamble* actions to be consolidated into the *In re Google Play Consumer Antitrust Litigation* matter, creating Master Docket file No. 3:20-cv-05761-JD. On Nov. 30, 2020, the

1 *Roberts* action was ordered to be related to *In re Google Play Consumer Antitrust Litigation* matter
2 and was re-assigned to Judge James Donato. On Dec. 2, 2020, the *Stark* action was re-assigned to
3 Judge James Donato and ordered to be related to the *In re Google Play Consumer Antitrust*
4 *Litigation* matter. On Dec. 9, 2020, the *Esquivel* action was ordered to be related to *In re Google*
5 *Play Consumer Antitrust Litigation* matter and was re-assigned to Judge James Donato. Together,
6 these actions are the Consolidated Actions.

7 The *Kavulak* action, like the Consolidated Actions, concern the same, or substantially
8 similar allegations to those in the underlying *In re Google Play Consumer Antitrust Litigation*
9 Action. Given that the requirements of Civil Local Rule 3-12 have been met, plaintiff now
10 respectfully requests this Court issue the proposed order formally relating this action to the *In re*
11 *Google Play Consumer Antitrust Litigation* matter.

12 **II. RELATIONSHIP OF THE ACTIONS**

13 Under Local Rule 3-12(a), an action is related when: (1) “The actions concern substantially
14 the same parties, property, transaction or event”; and (2) “It appears likely that there will be an
15 unduly burdensome duplication of labor and expense or conflicting results if the cases are
16 conducted before different Judges.”

17 As set forth in Local Rule 3-12(a)(1), the Consolidated Actions involve substantially the
18 same parties, property, transaction or event, as each concern the same alleged antitrust violations,
19 similar defendants and co-conspirators, witnesses, and evidence. The *Kavulak* Action, like the
20 *Consolidated* Actions, asserts claims for violations of Sections 1 and 2 of the Sherman Act; and
21 violations of state antitrust laws

22 As set forth in Local Rule 3-12(a)(2), it appears likely that there will be an unduly
23 burdensome duplication of labor and expenses or the possibility of conflicting results if the cases
24 are conducted before different judges. Therefore, it will be more efficient for all cases to proceed
25 before the same judge so that these analyses and determinations are made by one Court.
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1 **III. CONCLUSION**

2 For the reasons set forth above, Plaintiff Alison Kavulak respectfully requests that the
3 Court order the *Kavulak* action be deemed related to the *In re Google Play Consumer Antitrust*
4 *Litigation*, No. 3:20-cv-05761-JD, action and that it be assigned to the Honorable James Donato.

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6 DATED: January 12, 2021

Respectfully submitted,

7
8 /s/ Dennis Stewart

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